UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,120	10/04/2000	Sean Lyndersay	13768.170	7801

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EXAMINER
DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/680,120	LYNDERSAY ET AL.
	Examiner	Art Unit
	Michael S. A. Delgado	2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-5,7-12 and 15-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-5, 7-12 and 15-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1.   Claims 1, 3-12 and 15-33 are allowed. The following is an examiner's statement

of reasons for allowance: US Patent 5,941,947 by Brown teach about utilizing a front-

end and backend servers approach to increase efficiency and robustness of a distributed

data system. In Brown's invention a client is allowed to access a copy of a public folder

that is located on any of the backend servers. In prior art, the complication of deciding

which of the backend server that will be handling a particular request is the burden of the

front-end server "gateway" (Brown Col 9, lines 10-36). In applicant's invention, a client

when accessing a public folder is directed to access one particular backend server by a

selection module (Figure 4) (Page 18, line23 to Page 21, line 5). The selection module

within the front-end server requires less computation as the decision process is less

complex when compare to the prior arts. The advantage in applicant invention is realized

in the backend server having the ability to assist in the selection of other back end servers

that are holding copies of the public folder. This approach reduces the burden on the

selection module of the front-end server and allows a more even distribution of the

selection task among the back end servers.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d

1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed.

Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*,

422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply

with 37 CFR 3.73(b).

1.   Claims 1, 3-5, 7-12, and 15-33 are provisionally rejected under the judicially

created doctrine of double patenting over claims 1-13, 19-24, 25-32 and 33-39 and 41-45

of copending Application No. 09/679720. This is a provisional double patenting

rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the

referenced copending application and would be covered by any patent granted on that

copending application since the referenced copending application and the instant

application are claiming common subject matter, as follows:

Claim 1 of Application No. 09/679720 compares to claim 15 and 16 of Application No.
09/680120:

a.   The front end and back end server are both claimed;

b.   Requests are made for a content: In claim 15, request are made for the
contents of private folder, home public folder an public folder;

c.   The resource identifier that is claimed is similar to claim16 that claims an
URI;

d.   The mapping function of global catalog is similar to claim 16 where a
directory uses a URI to identify one or more back end servers.

e.   The approach of always going back to one particular backend server
(which is the invention) is claimed by both.

Claim 19 of Application No. 09/679720 compares to claim 21 Application No.
09/680120:

a.   The front end and back end server are both claimed;

b.   Requests are made for a content by client: In claim 21, client request;

c.   Check validity of request: This is similar to using a security token as
claimed in 21;

d.   The mapping function of global catalog is similar to claim 21 where
selection module is used to identify one or more back end servers. The use of the
web inherently includes URI in client's request.

e.   The approach of always going back to one particular backend server
(which is the invention) is claimed by both.

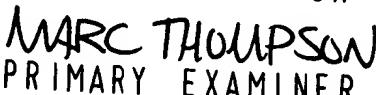Claim 1 of Application No. 09/679720 compares to claim 28 of Application No. 09/680120:

> Claim 15 and 28 of application are similar so the rationality that was applied
> to claim 15 is also applied for claim 28.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

MARC D. THOMPSON

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PRIMARY EXAMINER